

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

MACK TRANSOU]	
]	
v.]	No. 1:04-0110
]	Judge Higgins
WARDEN KEVIN MYERS, et al.]	

O R D E R

The Court has before it the plaintiff's objections (filed August 2, 2005; Docket Entry No. 53) to the Report and Recommendation (entered July 28, 2005; Docket Entry No. 52).

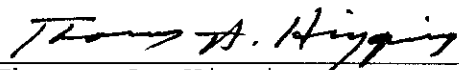
The Court has independently reviewed the Magistrate Judge's findings and conclusions, the objections, and the entire record. The plaintiff's objections are overruled. The Report and Recommendation is adopted and approved.

Accordingly, the defendants' motion (filed June 30, 2005; Docket Entry No. 39) to dismiss, treated as a motion for summary judgment is granted.

This action is dismissed without prejudice for failure to exhaust administrative remedies.¹

The entry of this order shall constitute the judgment in this action.

It is so ORDERED.



Thomas A. Higgins
United States District Judge
8-8-05

¹The plaintiff's motions (Docket Entry Nos. 45, 46 and 47) are denied as moot.